

**NINTH DAY**

(Tuesday, January 25, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

**Absent—Excused**

Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, we came from Thee and must ultimately return unto Thee, for we must all appear before the judgment seat of Christ to give an account of the deeds done in the body. May there be nothing in this day's work of which we shall be ashamed when the sun is set, nor in the eventide of our lives when our task is done and we go to our long home to meet Thy face. For Christ's sake. Amen."

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Owen was granted leave of absence for today and the remainder of the week on account of important business, on motion of Senator Rogers of Childress.

**Presentation of Guest**

Senator Bracewell, by unanimous consent, presented the Honorable

Wright Morrow of Houston as a guest of the Senate today.

**Reports of Standing Committee**

Senator Hardeman submitted the following reports:

Austin, Texas,  
January 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 41, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred S. B. No. 63, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred S. B. No. 75, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred S. C. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Kelley:

S. B. No. 94, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature of Texas, as amended by Chapter 290, Acts 47th Leg., R. S. 1941, page 463, and as heretofore otherwise amended, by adding sub-section (e) to Section 1a (1) thereof, excepting from the definition of "Motor Carrier" and "Contract Carrier," and exempting from the provisions of such Acts, any person transporting fresh iced fish or shellfish from coastal production-landing points to packing or freezing plants upon the filing of certain insurance; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any section, sentence, clause, phrase, word or part of this Act be held invalid or unconstitutional it shall not affect the remaining portions; and declaring an emergency."

To the Committee on State Highways and Motor Traffic.

By Senator Parkhouse:

S. B. No. 95, A bill to be entitled "An Act creating Ten Mile Creek Water Control and Improvement District, under Article 16, Section 59, of the Constitution of the State of Texas; defining its boundaries; providing for the annexation of additional territory; defining its powers and duties, and making the General Laws of the State of Texas relating to water control and improvement districts applicable to the district; providing for a board of directors for the government of said district; authorizing the issuance of bonds and providing for the payment and security thereof; making

applicable to the district Title 52, relating to eminent domain; prescribing other powers of the district; enacting a saving clause and other provisions relating to the district, and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Weinert:

S. B. No. 96, A bill to be entitled "An Act making it unlawful for any person to take or attempt to take more than two (2) wild turkey gobblers during any one open season in Comal County; prescribing a penalty for violation of this Act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Weinert:

S. B. No. 97, A bill to be entitled "An Act to establish and adopt a probate code for the State of Texas by revising and rearranging the statutes of this State which pertain to descent and distribution, wills, administration of decedents' estates, actions to declare heirship, guardianship, and other probate matters; and by making various changes in, omissions from, and additions to, such statutes; defining the meaning of certain words and terms used in the code; and fixing the effective date of the code; providing for the application of the code; validating certain proceedings had under existing and prior statutes; repealing statutes and all laws or parts of laws in conflict with the code; containing a severability clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senators Weinert and Bracewell:

S. B. No. 98, A bill to be entitled "An Act to adopt and establish general statutory provisions applicable to business corporations; to provide for the incorporation, regulation, admission to do business in Texas, merger, consolidation, receivership, dissolution, and liquidation of those business corporations to which this Act shall apply; to provide that it shall apply to certain Texas corporations incorporated after the Act becomes effective, and certain foreign corporations admitted to do business in Texas after it becomes effective, for voluntary adoption of the provisions of the Act by certain other corporations and for application of the Act to certain other

corporations upon the expiration of five years after the Act becomes effective; to provide for powers, duties, authorizations and responsibilities of affected corporations and their officers, directors and stockholders; to repeal Acts in conflict herewith; and containing a saving clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Shireman:

S. B. No. 99, A bill to be entitled "An Act concerning the practice of barbering in this State, the organization, qualifications, duties and compensation of the State Board of Barber Examiners and its employees, the fees to be charged by the Board, qualifications for the issuance of temporary permits, and related matters; amending Sections 13, 14, 20, 20a, 23, and 27 of Chapter 65, Acts of the 41st Legislature, First Called Session, as amended (codified as Article 734a in Vernon's Texas Penal Code); adding Section 29a, thereto, relating to representation by the Attorney General in suits against employees of the Board stating the effect of this Act on current registration fees; fixing the operative date of certain provisions; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 100, A bill to be entitled "An Act amending House Bill No. 599, Chapter 260, Acts of the Fifty-second Legislature at its Regular Session, 1951, by amending Section 3, and adding Sections 28, 29, 30, 31, 32, and 33, containing a severable savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 101, A bill to be entitled "An Act repealing Chapter 480, Acts of the 51st Legislature, Regular Session, 1949, which relates to the practice of naturopathy, and all amendments thereto; amending Section 3 of Chapter 154, Acts of the 52nd Legislature, 1951, which is known as the Healing Art Identification Act, to conform to this repeal; providing for severability; and declaring an emergency."

To the Committee on Public Health.

By Senator Willis:

S. B. No. 102, A bill to be entitled

"An Act relating to control of rabies; amending Section 1 of Chapter 40, Acts of the 53rd Legislature, First Called Session (codified as Section 1 of Article 2372m in Vernon's Texas Civil Statutes) so as to make the amended Act applicable to counties having a population of three hundred thousand (300,000) inhabitants or more; and declaring an emergency."

To the Committee on State Affairs.

By Senator Strauss:

S. B. No. 103, A bill to be entitled "An Act to be entitled the Texas Automobile Dealers Licensing Act; defining certain words; prohibiting sale of new and used cars in this State except by persons licensed so to do under the provisions of this Act; providing for the issuance and renewal by the Comptroller of the different types of licenses provided for by this Act; prescribing the eligibility requirements for such licenses and the conditions for their renewal, suspension, termination, and revocation; declaring that certain acts done in violation of this Act shall be unlawful; investing the Comptroller with authority to conduct hearings and make findings relative complained of violations of this Act and to suspend licenses of persons found guilty of violating this Act and providing for right of appeal and trial de novo of the Comptroller's action in such cases; providing for collection of fees for issuance of licenses under this Act and making an appropriation of so much of such fees as is necessary for enforcement and administration of this Act; providing for certain criminal penalties for certain violations of the provisions of this Act; providing for certain exemptions from the coverage of this Act; providing for optional rescission of sales made in violation of this Act; and declaring an emergency."

To the Committee on State Affairs

By Senator Wagonseller:

S. B. No. 104, A bill to be entitled "An Act appropriating the sum of One Thousand Eighty-six Dollars and Fifty Cents (\$1086.50) together with the pro rata interest earned thereon out of the general fund of the State of Texas, or so much as may be necessary to satisfy the judgment rendered against the State of Texas, in favor of Home Furniture Company, a corporation, in cause Number 84447 in the District Court of Travis County,

Texas, 53rd Judicial District, such judgment having become a final judgment, and declaring an emergency."

To the Committee on Finance.

#### Senate Resolution 26

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate John W. Glover, County Judge, Hunt County; Merrick Money, County Commissioner, Hunt County; T. C. Glassman, City Councilman, Greenville, Texas; Henry B. Nabers, City Manager, Greenville, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts, by unanimous consent, presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 28

Senator Willis offered the following resolution:

Whereas, Conservation of the soil is essential to the welfare of the people whose very existence is dependent on the products of the soil; and

Whereas, The State of Texas contains 168 soil conservation districts, more than exist in any other state; and

Whereas, All these soil conservation districts in Texas have achieved remarkable gains in their work, so that any district that has been recognized as pre-eminent in this field, among these 168 districts, is truly a leader; and

Whereas, The Dalworth Soil Conservation District in May, 1954 was voted the outstanding district of Texas for 1953 and was awarded a cash prize of \$1,000; now, therefore, be it

Resolved by the Senate of the Fifty-fourth Legislature of Texas, That the Members of the Senate extend their sincere congratulations to the Dalworth Soil Conservation District; and be it further

Resolved, That the Secretary of the Senate be instructed to send enrolled copies of this resolution to the Chairman, two Vice-Chairmen and Secretary of the Dalworth Soil Conservation District.

The resolution was read and was adopted.

#### Presentation of Guest

Senator Secrest, by unanimous consent, presented Mr. Harry Provence, Editor of the Waco News-Tribune and Times Herald to the Members of the Senate.

#### Presentation of Guests

Senator Aikin, by unanimous consent, presented Judge Cedric Townsend and Mr. H. O. Bowen of Paris to the Members of the Senate.

#### Executive Session

On motion of Senator Aikin and by unanimous consent, the Senate agreed to hold an executive session at 10:55 o'clock a. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the State Board of Public Accountancy for terms to expire September 4, 1956: Charles B. Hagans of Nacogdoches, Nacogdoches County; John A. Thomason of Brownwood, Brown County (public accountants); Hatcher A. Pickens of Fort Worth, Tarrant County; B. S. Mothershead of Harlingen, Cameron County (certified public accountants).

To be Branch Pilots for Port Aransas Bar, Corpus Christi Bay and tributaries for two-year terms to expire June 1, 1956: Virgil Thomas Lindley of Nueces County; John Frederick Mathisen of Nueces County.

To be Branch Pilot for Brazos-Santiago Pass, Bar and Tributaries for two-year term to expire July 14, 1956: Stanley E. Ridley of Cameron County.

To be a member of the Texas Civil Judicial Council for term to expire July 1, 1957, to fill unexpired term of Judge Atwood McDonald, resigned: Dean Abner V. McCall of Waco, McLennan County.

To be Firemen's Pension Commissioner to fill the unexpired term of G. Frank Williams, deceased, term to expire July 1, 1955: Mrs. Marie Hudson of Austin, Travis County.

To be a director of the Guadalupe-Blanco River Authority to fill the unexpired term of Vincent E. Heard, resigned, term to expire February 1, 1957: Lawrence Wood of Refugio, Refugio County.

To be a member of the Guadalupe-Blanco River Authority to fill the unexpired term of William S. Fly, resigned, term to expire February 1, 1955: Frank Guittard of Victoria, Victoria County.

To be Branch Pilots for Galveston Bar and Houston Ship Channel for two-year terms: A. S. Borup of Harris County (term to expire March 11, 1956); M. F. Russell of Harris County (term to expire March 25, 1956); L. R. Murray, Jr., of Harris County (term to expire May 18, 1956).

To be Fire Insurance Commissioner to fill the unexpired term of Colonel Paul Brown, deceased, term to expire February 10, 1955: Mark Wentz of Big Spring, Howard County.

To be a member of the Industrial Accident Board to fill the unexpired term of Robert L. Hill, resigned, term to expire September 1, 1957: H. C. Pittman of Waco, McLennan County.

To be Judge of the 89th District Court to succeed Alan B. Haley, resigned: John Davenport of Wichita Falls, Wichita County.

To be District Attorney, 18th Judicial District, to succeed Jack C. Altaras, resigned: James E. Ferguson of Cleburne, Johnson County.

To be District Attorney, 46th Judicial District, to succeed Leon Douglas, resigned: Jack Hightower of Vernon, Wilbarger County.

To be Commissioner of the General Land Office to succeed Bascom Giles, term to expire January 1, 1957: Earl Rudder of Brady, McCulloch County.

To be a Member of the State Planning Committee to fill the unexpired term of Mrs. George N. Aldredge, resigned: Mrs. A. R. Wilson of Waco, McLennan County.

To be Members of the Sabine River Compact Commission: Ross Hopkins of Carthage, Panola County, term to expire September 10, 1955, Henry L. Woodworth of Orange, Orange County, term to expire September 10, 1956.

To be Director of the San Antonio River Authority to fill the unexpired term of Colonel W. B. Tuttle, deceased, term to expire May 5, 1955: Erwin E. Voigt of San Antonio, Bexar County.

To be Director of the Sabine River Authority to fill the unexpired term of Peyton McKnight, resigned, term to expire July 6, 1957: Carroll Swearingen of Quitman, Wood County.

To be Branch Pilots, Sabine Bar, Pass and Tributaries for two year terms to expire April 11, 1956: F. D. French of Jefferson County, A. G. Wortham of Jefferson County.

To be Branch Pilots, Sabine Bar, Pass and Tributaries for two year terms to expire January 5, 1955: W. M. Carroll, A. M. Castle, Jr., S. B. Ellis, J. R. Levingston, O. E. Moore, H. C. Plummer, V. E. Sanford, L. S. Tibbetts, T. I. Truett, all of Jefferson County.

To be a Member of the Board of Veterinary Medical Examiners for term to expire August 26, 1957, to fill unexpired term of Dr. Henry K. Maier, resigned: Dr. Carl Fink of Groves, Jefferson County.

To be Branch Pilots, Port of Galveston and Texas City for two year term to expire September 10, 1956: Kent O. Barton of Galveston County, for two year term to expire October 30, 1956, Giles W. Hatch of Galveston County.

To be Branch Pilot, Port Aransas Bar, Corpus Christi Bay and Tributaries for two year term to expire August 12, 1956: Max J. Luther, Jr., of Nueces County.

To be Members of the Board of Directors, Jackson County Flood Control District for a term to expire June 8, 1959: Arvie Elliott of Edna, Jackson

County, for terms to expire June 8, 1957, Arnold Koop of Edna, Jackson County, Harrison Stafford of Edna, Jackson County, Allen L. Burditt of Edna, Jackson County, for terms to expire June 8, 1955, Charlie Dugger, Jr., of Edna, Jackson County, S. B. Allen of Edna, Jackson County, C. F. Spencer of Ganado, Jackson County.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 11:10 o'clock a. m. today.

#### Adjournment

On motion of Senator Moffett, the Senate, at 11:12 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

## In Memory of

# The Honorable Bruce W. Bryant

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Senator Moffett offered the following resolution:

(Senate Resolution 27)

Whereas, The Honorable Bruce W. Bryant, a long-time resident of Haskell County, passed to his eternal reward on the tenth day of July, 1954; and

Whereas, In the passing of this worthy pioneer Texas citizen the people of Texas, and more particularly the people of his adopted part of West Texas, suffered a definite loss, and his passing is deeply and sincerely mourned by those who knew him well, both as a public official and as a commendable private citizen; and

Whereas, His life was an outstanding example of the pioneer spirit of those who endured the hardships of early days in Texas; and

Whereas, Judge Bruce W. Bryant, who was born in Kentucky, spent almost his entire lifetime in his adopted State of Texas. His early schooling was obtained in Grayson County amid unfavorable conditions; he later attended Grayson College at Whitewright. He spent several years as a country school teacher, later was engaged in the insurance, real estate and loan business, studying law in his spare time. He attended the University of Texas in the Fall of 1906, for one scholastic year. In the early part of 1907 he was admitted to the Bar and moved to Haskell County, where he began his long and outstanding legal career; and

Whereas, During 1908 he was elected County Attorney of Haskell County, a post which he held for four years; later served in the 34th and 35th Legislatures from Throckmorton, Haskell and Stonewall Counties. He resigned this position and became Superintendent of Public Buildings and Grounds in 1917. In 1919, he was appointed Assistant Attorney General of Texas, leaving this position to become a District Judge in his home district, a position which he held until January 1, 1931, when he again became an Assistant Attorney General. He served for some years as First Assistant Attorney General. As far as the record is available at this time, Judge Bruce W. Bryant served longer as an Assistant Attorney General than any other person in the history of the State; and

Whereas, Judge Bryant spent nearly 50 years as a public official in his adopted State; and

Whereas, He is survived by his widow, Mrs. Iva Bryant of Austin; three sons, Frank Bryant of San Antonio, Joe Bryant of Greenville, W. D. Bryant of Corpus Christi; and a daughter, Mrs. Virgil Reynolds of Denver, Colorado; now, therefore, be it

Resolved, That the passing of this beloved citizen of Texas be fittingly recognized by his fellow Texans, and that a page in today's Journal be devoted to his memory; and that the Senate of the 54th Legislature do adjourn on this day and date in memory of Bruce W. Bryant, and that we here and now extend our deepest sympathy to the members of his bereaved family and ask that God give them surcease from their sorrow in the passing of this good man; and be it further

Resolved, That a copy of this resolution be transmitted to his family in token of our sympathy.

MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Corbin the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

**In Memory of**  
**John F. Cain**

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Senator Roberts offered the following resolution:

(Senate Resolution 29)

Whereas, On January 14, 1955, our Heavenly Father in His infinite wisdom did call from his earthly home Mr. John F. Cain; and

Whereas, Mr. Cain was born December 12, 1901 in Ellis County, and was employed by the Frisco Railway in Sherman, Texas for the past 30 years; and

Whereas, Mr. Cain is survived by his widow, Mrs. Edna Cain; five brothers, Claude, Weldon, and Charles, all of Sherman; Louie Cain, Commerce; and Oren Cain, Dallas; four sisters, Mrs. O. J. Acord, Dallas; Mrs. A. A. Sauls, Clarksville; Mrs. Millard Parrish, Commerce; and Mrs. W. W. Wasson, Estelline; now, therefore, be it

Resolved by the Senate of Texas, That a page in the Journal be dedicated to the memory of this respected gentleman; and that we here and now extend our deepest sympathy to the entire family; and be it further

Resolved, That the Secretary of the Senate be instructed to send copies of this resolution to the immediate surviving members of the family; and that when the Senate adjourns today, it do so in his memory.

**ROBERTS**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Fly the names of the lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.